(22)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 1556 of 2007

Petitioner : Smt. Monika Kelkar w/oShri P.M. Kelkar, aged 50 yrs UDT : J.N. Pandey Higher secondary School : Raipur Distt- Raipur CG

Versus

Respondents :

1. The State of Chhattisgarh Through : The Secretary to the Govt. of Chhattisgarh, School Education Department, Mantralaya : Raipur CG

2. The District Education, Officer : Raipur CG

3. The Principal J.N. Pandey Higher Secondary School : Raipur Distt- Raipur CG

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Present : Mr. Anurag Dayal Shrivastava, Advocate for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State/respondents.

ORDER

(Passed on this 19th Day of March, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is working as Upper Division Teacher in J.N. Pandey Higher Secondary School, Raipur. The petitioner obtained B. Ed. Examination certificate in the year 1977, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B. Ed. Examination Certificate on his own expenses is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another

{2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired B. Ed. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash